

REMARKS/ARGUMENTS

Claims 1-21 and 28-34 stand rejected, with claims 22-27 objected to in the outstanding Official Action. As noted hereinafter, no amendments to the claims are needed and claims 1-34 remain in the application.

October 29, 2004 Interview with Examiner Phan

Applicants' undersigned representative contacted Examiner Phan on October 29, 2004 and was granted the courtesy of a short telephone discussion. Applicants have only recently realized that the primary reference applied, Shibahara (U.S. Patent 6,317,188), is not available as a reference against any claims pending in this application and provided this information to the Examiner.

The Shibahara reference is a U.S. patent filed on April 19, 2000. However, as confirmed in Applicants' filing receipt for this application, domestic priority is claimed in this case as being a Continuation of U.S. Serial No. 09/868,306, now abandoned. The previous application claims priority from PCT/GB99/04282 filed December 16, 1999 which in turn claims priority from UK Patent Application 9827900.3 filed December 19, 1998. The certified copy of the priority documents was filed in this application on August 4, 2004 and the Examiner confirmed that this is presently in the US PTO file. Therefore, the current application is entitled to priority back to the filing date of the UK applications on December 19, 1998 as well as International Patent Application PCT/GB99/04282 filed on December 16, 1999, clearly evidencing that the presently

claimed invention was made well before the U.S. filing date of the Shibahara reference, i.e., April 19, 2000.

During the above telephone interview, Examiner Phan indicated that the filing receipt indicated that priority was proper, had been claimed and appeared to be well supported. It is requested that the Examiner investigate to the extent necessary and confirm that the present application is entitled to the priority of both the PCT application and the even earlier GB application (GB 9827900.3 filed December 19, 1998).

Presuming that the Examiner confirms Applicants' priority claim and that the priority claim has been perfected, he is respectfully requested to confirm Applicants' entitlement to the earlier priority dates.

Inasmuch as Shibahara is the primary reference applied against the only rejection in this application, and in view of the fact that Shibahara is not available as a reference against this application (due to its being filed after the clearly earlier filing date of Applicants' priority applications), there is no support for any rejection of claims 1-21 or 28-34 as being obvious over the Shibahara/Levine combination.

The Examiner does not allege in the outstanding Official Action that the Levine reference by itself anticipates or renders obvious the subject matter of claims 1-21 and 28-34. During the telephone interview, the Examiner confirmed that Shibahara was not available as a reference, but indicated that it would be necessary for him to do a further search and review of the Levine and possibly other references. The forwarding of either

WILKINSON et al
Appl. No. 10/084,652
November 19, 2004

any references found during that additional search or a Notice of Allowance indicating the allowability of claims 1-21 and 28-34 is respectfully requested.

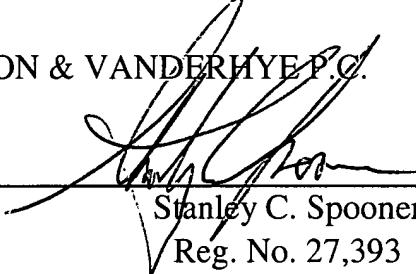
The Examiner's indication that claims 22-27 contain allowable subject matter is very much appreciated.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-34 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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